

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
JANELYS HERNANDEZ, :  
:  
Plaintiff, : 23-CV-2507 (VSB)  
-against- :  
:  
BARREIRO INTERESTS, INC., :  
:  
Defendant. :  
:  
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**ORDER**

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on March 24, 2023, (Doc. 1), and filed an affidavit of service on April 17, 2023, (Doc. 5). The deadline for Defendant to respond to Plaintiff's complaint was May 4, 2023. (See Doc. 5.) However, Defendant requested, and I granted, a 30-day extension to respond to the complaint by May 30, 2023. (Docs. 8, 9.) To date, Defendant has not responded to the complaint. Plaintiff, however, has taken no action to prosecute this case. On June 2, 2023, I directed Plaintiff to seek default judgment by no later than June 9, 2023. (Doc. 10.) I warned, “[i]f Plaintiff fails to do so or otherwise demonstrate that they intend to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).” (*Id.*) To date, Defendant has not responded to the complaint. Plaintiff, however, has not sought default judgment or taken any action to prosecute this case.

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b).

The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: June 12, 2023  
New York, New York

  
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VERNON S. BRODERICK  
United States District Judge